

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re Entresto (Sacubitril/Valsartan) Patent
Litigation

C.A. No. 20-2930-RGA

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

HETERO USA INC., HETERO LABS
LIMITED, HETERO LABS LIMITED
UNIT III, MSN PHARMACEUTICALS
INC., MSN LABORATORIES PRIVATE
LIMITED, MSN LIFE SCIENCES
PRIVATE LIMITED,

Defendants.

PUBLIC VERSION FILED: August 20, 2024

C.A. No. 19-2053-RGA

**NOVARTIS'S MOTION FOR A RULE 62(d) INJUNCTION PENDING APPEAL AND
TEMPORARY RESTRAINING ORDER PENDING RESOLUTION OF THIS MOTION**

Plaintiff Novartis Pharmaceuticals Corporation (“Novartis” or “Plaintiff”) respectfully moves (i) under Fed. R. Civ. P. 62(d) for an injunction pending resolution of the ongoing appeal regarding U.S. Patent No. 8,101,659 (“the ’659 patent”), and (ii) under Fed. R. Civ. P. 65(b) for a temporary restraining order pending resolution of this motion against Defendants MSN Pharmaceuticals Inc., MSN Laboratories Private Limited, and MSN Life Sciences Private Limited (collectively, “MSN”). Alternatively, Novartis requests an injunction of short duration to permit it an opportunity to seek further injunctive relief from the United States Court of Appeals for the Federal Circuit. The grounds for Novartis’s Motion are more fully-stated in the accompanying Opening Brief and supporting materials filed contemporaneously herewith.

Date: August 2, 2024

McCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

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*Attorneys for Plaintiff Novartis
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RULE 7.1.1 CERTIFICATION

Pursuant to D. Del. LR 7.1.1, counsel for Plaintiff Novartis Pharmaceuticals Corporation certifies that counsel for the parties, including Delaware Counsel, discussed the subject matter of the foregoing motion and the relief sought, and that the parties have been unable to reach agreement.

/s/ Daniel M. Silver

Daniel M. Silver (#4758)

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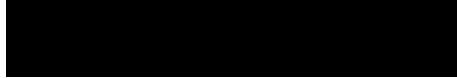

NOVARTIS PHARMACEUTICALS
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Defendants.

C.A. No. 19-2053-RGA


**[PROPOSED] ORDER ENTERING INJUNCTION PENDING APPEAL AND
TEMPORARY RESTRAINING ORDER**

Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) having moved for an injunction pending resolution of the ongoing appeal regarding U.S. Patent No. 8,101,659 (“the ’659 patent”) and a temporary restraining order (the “Motion”), and the Court having conducted a hearing on August 9, 2024 on Plaintiffs’ Motion,

IT IS HEREBY ORDERED this _____ day of _____ 2024, as follows:

1. The Motion is **GRANTED**;
2. Defendants MSN Pharmaceuticals Inc., MSN Laboratories Private Limited, and MSN Life Sciences Private Limited (collectively, “MSN”), and their affiliates, subsidiaries, and each of their officers, agents, servants and employees and those acting in privity

or in concert with one or more of the MSN Defendants, are hereby enjoined from making, using, offering to sell, or selling in the United States, or importing into the United States MSN's ANDA products (ANDA No. 213748) until such time as a final judgment is entered by the Court in this action, or the Court orders otherwise.

3. Novartis shall post an unsecured bond in the amount of \$_____ within seven (7) days of this Order.
4. This Order shall remain in effect until further order of this Court or the Federal Circuit.
5. [Alternatively, MSN and their affiliates, subsidiaries, and each of their officers, agents, servants and employees and those acting in privity or in concert with one or more of the MSN Defendants, are hereby enjoined from making, using, offering to sell, or selling in the United States, or importing into the United States MSN's ANDA products (ANDA No. 213748) until August __, 2024, to permit Novartis an opportunity to seek relief from the United States Court of Appeals for the Federal Circuit.]

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that true and correct copies of the foregoing document were caused to be served on August 2, 2024 on the following counsel in the manner indicated below.

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Dated: August 2, 2024

/s/ Daniel M. Silver
Daniel M. Silver (#4758)